

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL KLEEBERG, LISA STEIN and AUDREY HAYS,

Plaintiffs,

v.

LESTER EBER, ALEXBAY, LLC f/k/a LESTER EBER, LLC,
ESTATE OF ELLIOTT W. GUMAER, JR. and WENDY EBER,

Defendants,

and

EBER BROS. & CO, INC., EBER BROS. WINE AND LIQUOR
CORP., EBER BROS. WINE & LIQUOR METRO, INC., EBER-
CONNECTICUT, LLC, EBER-RHODE ISLAND, LLC, EBER BROS.
ACQUISITION CORP., EBER-METRO, LLC, SLOCUM & SONS
OF MAINE, INC., and CANANDAIGUA NATIONAL BANK &
TRUST COMPANY,

Nominal Defendants.

Civil Action No.
16-CV-9517(LAK/KHP)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Affidavit of Wendy Eber, sworn to November 8, 2019 with exhibits, the Affidavit of Lester Eber, sworn to November 8, 2019, with exhibits, and the Affidavit of Michael A. Gallagher, sworn to November 5, 2019, with exhibit, Defendants LESTER EBER, ALEXBAY, LLC f/k/a LESTER EBER, LLC and WENDY EBER (collectively "Eber Defendants"), by and through their attorneys, will move this Court for an Order pursuant to Federal Rule of Civil Procedure 56(a) for Partial Summary Judgment granting Eber Defendants judgment as a matter of law on Counts I, II, III, IV, V, VI, VII, VIII, and X of the Third Amended Complaint.

DATED: November 8, 2019

Respectfully submitted,

/s/ Paul F. Keneally, Esq.

Paul F. Keneally, Esq.

Colin D. Ramsey, Esq.

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